

**PRINCIPLES, PRACTICES, AND CONFLICTS  
OF CUSTOMARY LAND-USE RIGHTS:  
EMERGING SOCIOECONOMIC EXCHANGE SYSTEMS  
IN PAPUA NEW GUINEA**

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This article explores traditional land-use rights by both clan members and non-clan members in modern Papua New Guinea. The land being the basis of livelihood, those with proprietary rights generally had a traditional obligation to grant usufruct rights to those in need of land. The use of such lands hinged on mutual respect and the reciprocation of feasts and the social exchange of food-stuffs and assistance. The article highlights conflicts between principles and practices of these traditional obligations regarding access to land. However, with the introduction of a cash economy in recent times, land has acquired monetary value, which was hitherto unknown. A new form of social exchange system is increasingly being manifested as traditional landowners persistently press for monetary compensation for usufruct rights of their lands. The article argues that the increasing pressure to exploit land resources is likely to produce fundamental changes in the system of ownership of customary land. As pressure increases and subsistence dependence gradually shifts toward a market "money" economy, the survey and registration of customary lands will eventually lead to the individualization of land, that is, private ownership.

THIS ARTICLE IS EXPLORATORY, and for this reason it does not examine in detail a specific village or society. Indeed, such a detailed study would be very valuable in delineating past, present, and perhaps future land-tenure systems. This article takes an overall view, examining the gradual but substantial changes in customary land-tenure systems in Papua New Guinea.<sup>1</sup> It first examines traditional principles and practices that have governed the ownership of and access to land. It then highlights the conflicts inherent in

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the principles and practices. Only after a careful examination of traditional land tenure is it possible to propose the form future land-tenure systems will take. Thus, the article first traces the importance of landholding prior to the contemporary large-scale exploitation of land resources. As suggested by Fisk, subsistence farming does not put considerable pressure on the land (1971). With the introduction of cash crops, such as coffee, tea, copra, and palm oil, as well as cattle projects the need to individualize traditional lands--register it under an individual's or family's name--has intensified. Mining and forestry operations as well have increased the value of the land, whereas collective ownership of the land has impeded economic development.

Before the present period, traditional landowners never sought to derive monetary benefits from their lands. Traditionally, anyone could gain usufruct land-use rights on customary land through well understood and prescribed procedures. These procedures are, however, no longer sufficient. Almost everywhere land has acquired new economic value as opportunities to use and exploit the riches of the land resources have become greater. Increasingly, land is being commoditized. It will be shown that as a country moves from subsistence farming to a market economy, corresponding changes in the traditional system of feasts and social exchange will also take place. Presently, claims for land compensation must be seen as new ways of reinforcing and maintaining the traditional system of social exchange of feasts, albeit in the "modern" monetary system.

### **The Importance of Land**

In Melanesia and Papua New Guinea in particular, land is a cultural anchor of the people and still is the main source of material wealth. It provides both a support and security to the bulk of the population (Kaitilla 1993). Its distribution and use are therefore vitally important. In many subsistence economies, people have had little or no experience of social survival detached from the land--"it is the productive basis of social life" (Lederman 1986:216).

For about 85 percent of the four million people of Papua New Guinea, livelihood basically depends on the land as a major source of food, water, firewood, and building materials for housing (Crocombe 1987b:4), as well as a place of repose of ancestral spirits. Most people spend considerable time in their gardens, to which they also develop deep bonds of affection. This affection derives from the simple fact that gardens inherit the soul of their owners after death (see, among others, Zorn 1991:15; Lederman 1986:34). Rowley highlights the importance of land when he says:

The New Guinea villager shares with most others that special attachment to the land characteristic of those whose land rights are their hold on life itself. These rights are based on the tradition of inheritance, which may be matrilineal or patrilineal. The ancestral spirits may help him to guard the land; at times, jealous of the living, they may interfere with the enjoyment of it, and their attitudes may need to be controlled through proper ritual. ( 1965: 115)

Meggitt observed an incident in Enga where a *kiap* (a government official) was reported to threaten landowners with jail sentences. One of the landowners stood up and had this to say: "You can put me in jail many times, you can kill me, cut off my head if you wish, but my body will walk back to that land--it is ours" (1977:205). For the Engans, land was the basis of everything important in their lives. According to Meggitt, a clan whose territory was too small could not expect to survive or to be able to defend itself (1977:182-183). Land was needed not only to grow garden produce, but also to raise pigs needed for bride-price and other ceremonial rites. Similar sentimental attachment to land has been echoed by national scholars, among them Bernard Narokobi, who writes that "the concept of land goes beyond human existence, for while a person is a transient, land is permanent, irredeemable and non-disposable. Land is the link between the earth and the sky, the sea and the clouds, the past and the future. Because land is eternal, *it is owned in a sacred trust for the succeeding generations*" (1988:5, emphasis added).

The land played a significant role, whether real or perceived, in mediating between the living and the dead. The garden was freed of the spirit of the deceased after a transmigration ceremony was performed on a newly born child. Through this ceremony it was expected that the child would draw from the deceased's life force and at adulthood care for the garden (Schwimmer 1973:92). The concept of landownership among Papua New Guineans as belonging to the dead, the living, and the unborn has been underlined by many scholars (Zorn 1991:15-16; Narokobi 1988; Rowley 1965). This concept imposed an obligation of stewardship toward the land (Coombs et al. 1989:39). The concept of stewardship, the obligation to protect and care for the land, had much in common with contemporary principles of sustainable development.

### **Traditional Systems of Land-Use Rights: Principles, Practices, and Conflicts**

The Western concept of landownership is radically different from that understood by traditional landowners in developing countries. In the West-

em sense, ownership of land implies exclusive enjoyment of all the real economic rights and all privileges and pleasures associated with ownership (Young 1988:209). On customary land, however, both security and ownership of land were and to date remain complex and precarious. Despite the apparent complexity of land-tenure and ownership systems, common principles, practices, and problems allow for some generalizations.

Often clan members enjoyed exclusive, albeit not permanent, land-use rights to their traditional lands. In many areas non-clan members were also permitted reasonable access to such lands. Generally, four or five, or even more, different levels of land-use rights existed, and some continue to exist today (see Zorn 1991:15; Cooter 1989:2; Schwimmer 1973). Figure 1 is a simplified diagrammatic representation of these levels. Almost everywhere access and rights to landownership followed both genealogical (corporate social groups) and nongenealogical lines (Grossman 1984:40).<sup>2</sup> Genealogical or descent lines were either patrilineal, as in most parts of the highlands, or matrilineal, as is common in island communities of Papua New Guinea. Where the patrilineal system was dominant, children inherited the father's clan land and therefore gained associated land-use rights. In the matrilineal systems, however, children commonly inherited the mother's brother's land (Jackson 1991).

These corporate social groups--that is, unified bodies of individuals who form a blood-related genealogical lineage, usually clans, tribes, or village communities--enjoyed recognized land-use rights, although these were by no means indisputable. Within the corporate social groups, clans, subclans, or families enjoyed individual proprietary rights to particular pieces of land within the tribal territory (Young 1988; Hutchins 1980). According to Du Toit, customary land among the Akuna of the Arona Valley was primarily of three types: (1) land around the village, (2) fallow gardens, and (3) the true bush (1975:167). The land surrounding villages was, and still is, privately owned by individual families who have prior claim to it. As long as the gardens remained fenced and tended, ownership belonged to individual families (Du Toit 1975:90). It was common for people to refer to these lands by either clan names or individual family names of the *papa bilong graun* (landowners) when ascertaining ownership (Schwimmer 1973; Hogbin 1978:33; Josephides 1985:18; Zorn 1992:3). It is clear from Du Toit's description that traditional land-use practices supported and encouraged the individualization of land tenure among clan members. A garden that was left to fallow and whose fence was no longer maintained could be taken by another member of the clan. But the rights over trees on the garden so abandoned remained with the previous owner of the garden (Du Toit 1975:92). This means that each family had the right to use the land belonging to its clan, and these rights lasted while they were maintained. The true

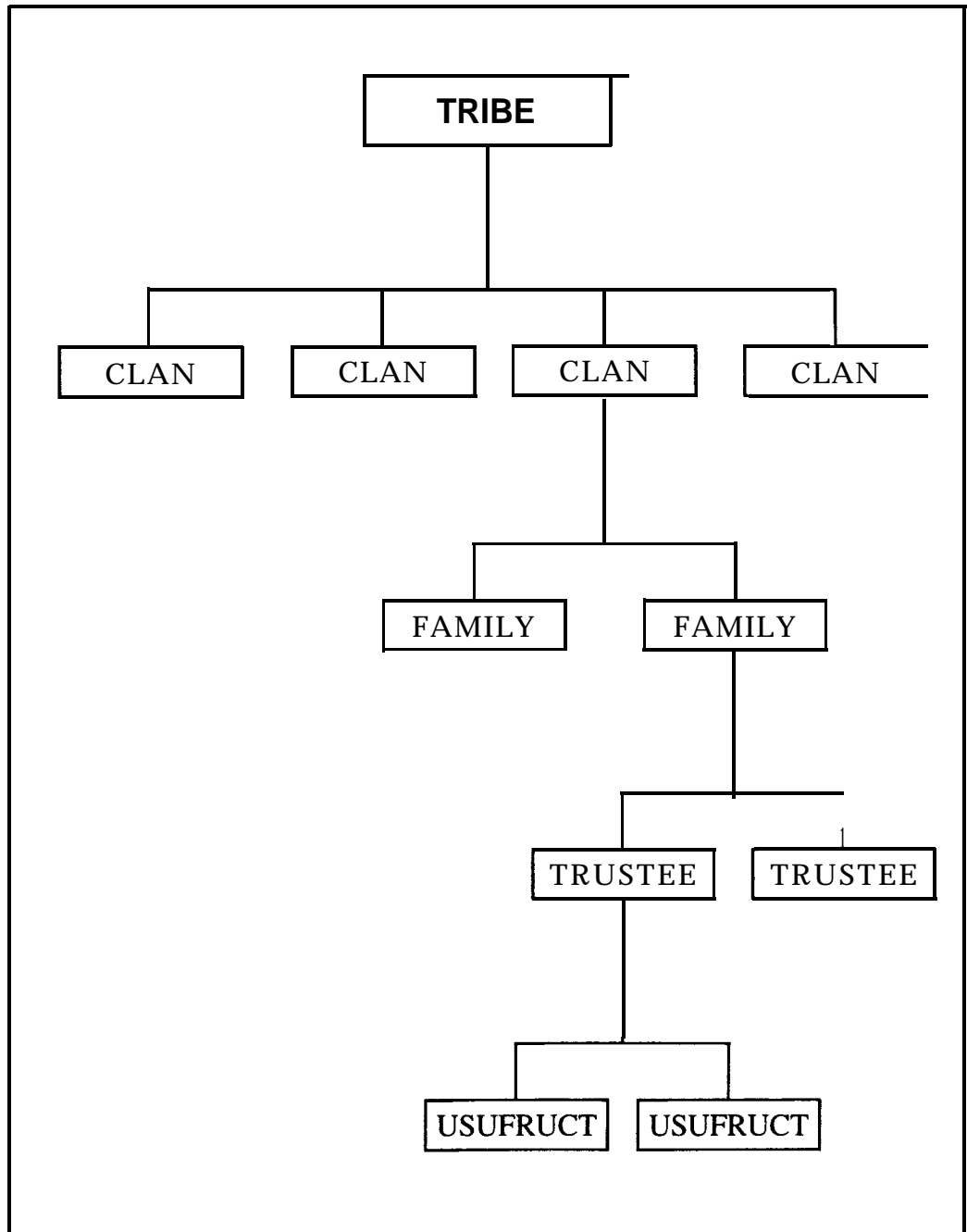


FIGURE 1. **Five levels of clan and nonclan land-use rights.**

bush was where there were no signs of any previous gardens. These were usually large tracts of land belonging to the whole clan. Any member of the clan could stake out claims if he or she cleared and erected a fence. Hence such a person would have established full rights over the piece so cleared (Du Toit 1975:90).

Departure from this general corporate group membership system was

not unusual. Nongenealogical means of acquiring land include adoption, borrowing, loan gifts, or intermarriage (Narokobi 1988:8). For example, *tambus*, or in-laws from other tribes, are known to have gained land-use rights to other tribes' or clans' lands. According to Giddings, clans with proprietary rights over large tracts of land were traditionally obliged to grant usufruct rights to members of other clans in need of land. A person who offered a favor to another expected something in return in the form of a gift or loan of land (Giddings 1984:156). For example, 25 percent of nearly four hundred gardens surveyed by Rappaport among the Tsembaga were mainly used by people other than clan members (1984:20-21). The land received on a usufruct basis usually reverted to the owner once it was no longer needed or if the reciprocal relationship or relationship of respect with the donor ceased (Narokobi 1988:28).<sup>3</sup> The receiver of the land was expected to offer regular feasts to the *papa bilong graun* as a show of appreciation. In addition, the receiver was expected to take care of any ancestral spirits on the land. Since land transfers were for usufruct only, they did not necessarily result in the reduction of the amount of land belonging to the *papa bilong graun*. The transactions involving land gifts and social exchanges of feasts or foodstuffs were not meant as an outright sale or purchase of the land except among close relatives (Narokobi 1988:26).<sup>4</sup> Nor were the transactions necessarily economically motivated. But the maintenance of these obligations relied heavily on garden production, as Lederman has rightly argued (1986:219). Many of the traditional land transfers were also meant to strengthen social relations between neighboring communities.

Intertribe wars, as a form of social relations, were an important source of new alliances, migration, and population distribution (Grossman 1984:39-40; Brown 1972:57). Social relations between many tribes consisted of a permanent state of enmity. Many people were in constant fear of being ambushed at short notice. Ability to defend the welfare of a clan during intertribal warfare was vitally important in ensuring the clan's unity, security, and continuity. Intertribal war was also a source of personal prestige and, at times, a means of acquiring land from fleeing tribes (Meggitt 1977), although this was by no means always the case (Rowley 1965:41; Narokobi 1988:25). A tribe that was unable to defend its land would flee to neighboring tribal communities, where often they would be generously received and steadily absorbed (Hogbin 1978:57).

Yet, individual family rights coexisted with rights of others in the larger community, whereby other clan members or even neighboring non-clan members also enjoyed reasonable land-use rights on the same land (Grossman 1984:39; Du Toit 1975:167). In these common lands everyone was free to hunt, gather forest produce, collect water, cut timber for housing, or even

garden without encountering hindrance (O'Faircheallaigh 1984; Tompson 1976). Non-clan members enjoyed usufruct rights provided the stewardship to the land was not compromised. Any alienation of or encroachment on traditional land would normally have caused a bloody hostility (Du, Toit 1975:91). These usufruct land-use rights and obligations were by no means identical to those enjoyed by clan members. And even within the same clan, land-use rights and obligations varied widely among clan members. For example, women among the Kewa had full rights to their crops and enjoyed economic benefits from them, but they never owned land (Josephides 1985:92). As noted above, if a garden was left to go fallow, the trees on it continued to belong to its previous owner although the garden could be tended by another person.

In some societies, however, a general agreement from all clan members was required before individuals could exercise these rights (Brandewie 1981:153). In others, any person who had been tending a garden could transfer usufruct rights to another person either on loan, as a gift, or for services rendered (Hutchins 1980). Often group consent was, and still is, vested in clan leaders.<sup>5</sup> In most areas, leadership was based on achievement rather than hereditary. As all leaders were men, the person selected was often a senior wise person or a war hero (Rappaport 1984:28-29; Du Toit 1975:74-77). The extent of powers given to the leaders was not clearly defined. Leaders allocated lands to both clan members and non-clan members. The apportioning of land was done at times after consulting with clan members, but often as they found fit. They even appointed trustees or custodians as caretakers of distant tribal lands (see Schwimmer 1973:105). Brookfield and Brown observed in Chimbu that an "unambitious man disregards his potential land claims. . . . An ambitious man maintains an active claim to all his inherited land and assumes custodianship over uninherited land in the territory of his subclan or subclan section. He then grants use of his surplus to those men he can attract as followers and adopts young kinsmen and affines" (1967:130).

It was the responsibility of the trustees to see that no encroachment on the clan land took place. However, leaders and trustees slowly began to misuse powers vested in them (Newton 1985:82-83). They have steadily become real *papa bilong graun*, landowners as understood in the Western sense. Grossman's work in Kapanara, Eastern Highlands, has uncovered similar practices there (1984). Land is now used by those to whom custodianship was bestowed for personal gains, such as winning social status and political support.<sup>6</sup> The evidence suggests that the complex system of customary landownership is not totally harmonious, and no doubt traditional principles have always conflicted with practices (Brookfield and Brown

1967), particularly when individual interests involving land conflict with group interests. New patterns of production and new social relationships in particular cannot be supported effectively by traditional landownership systems. It will be shown that participation in modern forms of production is incompatible with the traditional subsistence economy and favors the individualization of land.

### **The Pressure for Land**

The pressure for land in Papua New Guinea can be traced back through the history of the country. Archaeological evidence shows that pressure on the land has existed in some parts at least for thousands of years.<sup>7</sup> A new and a more intense form of pressure followed the establishment of European-style settlements and commercial developments.<sup>8</sup> The problem of land ownership and availability for development has been recognized for many years.<sup>9</sup> For example, land as a commodity was the subject of great interest among the first European settlers of the early twentieth century (Young 1988:34-35; Quinn 1981). The colonial government granted research funds for systematic investigations into the native ownership of land, which was already a contentious topic causing serious problems to the colonial administration: "Land and order, property ownership (especially land) and labour (including servants) were a tangle of linked issues which perennially warmed after-dinner conversation on the planters' and mission house verandahs. And they likely sparked the most heated arguments, generating the most ideological obfuscations, and fuelled the most blatant racial bigotry" (Young 1988:34-35).

Political and economic pressure on the land increased toward the advent of independence in the mid-1970s (Meggitt 1977:187).<sup>10</sup> A series of land bills were tabled in the House of Assembly. In justifying the introduction of the bills, Director for Lands, Surveys and Mines Don Groves claimed that "traditional land tenure must be changed because it is holding up development, it dampens the individual initiative of traditional owners, leads to dispute between them and makes them reluctant to transfer surplus land to those willing and able to use it effectively."<sup>11</sup>

The government was determined not only to individualize customary land tenure and to survey and register the resulting titles, but also to maximize the economic exploitation of the land's natural resources. First, the government saw land as *the* major resource to raise internal revenue for the maintenance of public expenditure. Second, the administration at the time was keen to reduce the Australian subsidy to Papua New Guinea (O'Faircheallaigh 1984; Meggitt 1977). Besides cash cropping and cattle raising,



mineral exploitation and forestry operations offered perhaps the best potential for achieving both aims. But more important, all of these compete for the use of customary land. In terms of revenue the *Post-Courier*, for instance, reported that the Ok Tedi mine alone was expected to earn the PNG government a total of K750 million.<sup>12</sup> K120 million would go to the Western Province and K20 million to the landowners. Also, Bougainville Copper Limited, during its operation, contributed 16 percent of the internally generated income and 44 percent of its export income. About 60 percent of Bougainville Copper benefits went to the national government and 5 percent to the provincial government (Connell 1991:55; Jackson 1991:19). Besides compensation claims, landowners received a total of K17 million in royalty payments between 1978 and 1987 (Connell 1991). Although the landowners' proportion was very small (0.2 percent), this amount was substantial for people without prior experience with money and for people who would not have had any cash income at all had the mine not been established there. Other mining and forestry operations throughout the country brought similar returns. Many of these operations also brought with them social services, such as schools and hospitals, and infrastructure development, such as roads and bridges, to underdeveloped areas.<sup>13</sup>

For many people who relied on the land for a subsistence livelihood and never sought cash income, the provision of social services and infrastructure was a significant development in the absence of government funding.<sup>14</sup> According to Brookfield and Brown, the Chimbus, for example, had no notion of land value in monetary terms, although any breach of custom drew strong resentment from all clan members (1967:140; see also Crocombe 1987b:4; Giddings 1984; Du Toit 1975). Rowley claims that before European contact there was no concept of individual landownership or of land as a commodity (1965). Traditionally, it was taboo to acquire or exchange land in the same way one would exchange ornaments, such as arm-shells, boars' tusks, dogs' teeth, or pigs (Kaitilla 1992; Schwimmer 1973:103).

Although individuals continue to derive economic value from the sale of garden produce such as *kaukau*, tapioca, betel nut, casuarina, or pandanus, mature *diwais* (trees) grown on the land could not outrightly be bought or sold (cf. Josephides 1985:48). According to Brown, mature *diwais* in a garden are properties with permanent economic value (1978:114). Some individuals use the sale of *diwais* to imply a permanent transfer of the ownership of the land to the buyer. The presence of *diwais* on borrowed land, or even on land given as a gift, has been a source of great tension and land disputes between clan members and non-clan members (Zorn 1992:5, 20; Gaudi 1991; Hutchins 1980; Brookfield and Brown 1967). Because trees remain the property of the person who planted them even after the land has

reverted to the owner, mature trees are often used as evidence to reinforce claims of ownership over a piece of land. Ownership of trees, in some cases, is equated with the ownership of the land (see also Giddings 1984; Ward 1981).

For these reasons, houses generally carry little or no commodity value in many rural areas (Kaitilla 1992). This point has also been underlined by Narokobi, who emphasizes that members of other clans cannot build houses on lands that do not belong to them unless prior permission is sought and granted (1988:15). This has again been stressed by Cleland, who wrote that "there is a fundamental difference in the concept of land, what land is and what man can do about it. . . . No Papua New Guinea[n] ever thinks of the land itself as saleable commodity. It's not something that can be sold any more than the wind or air. What is sold is the trees growing on the land, or the right to use the land for one purpose or another. . . . The land itself is part of the very soul of the clan" (1981:133).

Significant changes in the traditional social exchange relationships have begun to appear as many *papa bilong graun* demand monetary returns and land users no longer offer traditional feasts in exchange for the land. The land, which was once recognized as a fundamental resource for human survival and continuity, has rapidly been transformed into a commodity. Before, the only source of money for many villagers was through contract labor away from home. Lands that were initially neglected because they were agriculturally unproductive or distant immediately became potential sources of easy money (Zorn 1992:8; Crocombe 1987a:390; Crocombe 1987b:16; Josephides 1985:50). Similar examples can be found throughout Papua New Guinea (see, for example, Oram 1974).

Several factors are responsible for this change. First, the imposition of head and hut taxes spurred not only wage labor but also a desire to earn cash income. Also, mining and forestry operations have appreciated the value of the land. These factors, the absence of land registration, and rapid population growth account for an urgent land transformation into individual commodities (see, among others, Zorn 1992:26; Josephides 1985:18).<sup>15</sup>

Customary landowners are pressing extraordinarily huge demands for the use of their lands; and often what they seek is monetary returns (Schwimmer 1973).<sup>16</sup> Although any sale of customary land to foreigners is generally forbidden, land "sales" are now normal occurrences in both formal and informal economic activities (Zorn 1992:8; Cooter 1991:44).<sup>17</sup> Or-am argues that the desire to receive cash has often overwhelmed many landowners' sense of responsibility toward clan land (1974:172; see also Ward 1981). Money has become an important component of marriage, gifts, social exchange, gambling, and beer drinking. Newton, for example, argues that

money is a prerequisite for raising one's status as well as a means of making one's life physically easier (1985:165; see also Grossman 1984:31-32). Grossman describes the importance associated with money among the Kaparans, and probably the whole of Papua New Guinea:

People do not accumulate money for hoarding or purchasing substantial amounts of material goods for themselves. They channel much of their income, either as cash or goods purchased with the money, into the system of reciprocal exchange, in which generosity is highly valued. The more money an individual has, the greater is his potential to give to others. Contributing to another's bride wealth payment, helping a relative with a feast for his affines, giving generously in exchanges, and providing plentiful food to guests are manifestations of such valued behavior. In addition, giving to others creates an obligation for reciprocation. If an individual has several others in his debt, he is able to call upon them for help in certain endeavors designed to increase his prestige. (1984:32)

Since the nature of social relations in many areas is based on the conspicuous display of wealth, cash-crop plantations and cattle rearing are visible evidence-with which to impress others (Grossman 1984:33). Also, almost everywhere, dependence on a subsistence diet is quickly being replaced by dependence on money to buy foodstuffs such as tinned fish from 'Western' supermarkets (Christie 1980; Connell 1991:59; Connell 1988:80). In the past, exchange of goods was the principal form of acquiring foodstuffs and goods of traditional value. Almost every trade store now reinforces this dependence, whereby Western goods have become everyday necessities. More and more people are likely to consume store-bought foodstuffs rather than garden produce as a symbol of status and prestige.

In areas such as the highlands, where the cash economy has gained a stronghold, the need for more land is greater than ever before. The apportioning of pieces of land to non-clan members by traditional landowners in return for manual labour is becoming increasingly popular. Elsewhere, as traditional landowners assume more individual rights from group control, the "sale" of traditional land for mining and forestry operations, plantation, commercial and industrial, or even housing activities has intensified.<sup>18</sup> In the last decade individuals have been profiteering from what was once communal land under customary ownership (Cooter 1991:38-39).<sup>19</sup>

The commercial value attached to land has also been exacerbated by continuous claims for land compensation. Most claims demand the payment of money for the use of the land or for damage to the environment. It is not

uncommon for clans to press for "reversionary" claims for lands already compensated for (see Lakau 1990; Ward 1991:177). For example, recently the *Post-Courier* reported: "Traditional landowners from Ukarumpa village have been seeking compensation for the land which was bought by the government in 1930. The claim . . . alleges there were inconsistencies in the original sale . . . which has resulted in the traditional landowners seeking additional compensation."<sup>20</sup>

Scholars have put forward a variety of reasons to explain the basis of reversionary claims. Schwimmer, on the one hand, argues that reversionary claims are unforeseen increases as the value of the land appreciates (1973:106; see also Cleland 1981:132). Cleland offers a useful insight into such land dealings:

In the past, their fathers were quite happy to sell their lands to the Germans but they did not know what they were doing. They were very pleased to get the axes and the red cloth and other presents and quite happy for the Germans to grow crops but they did not know their land had gone for ever. And now they and their sons and their grandsons wanted the land back. Their families had grown, and the land was worth far more than axes and red cloth the Germans had given their grandfathers. (1981:132)

Such owners may refuse further reuse of their land unless the rewards are reviewed upward (Ward 1981). According to Gerristen and McIntyre, on the other hand, reversionary claims are meant to reinforce perpetual landownership by customary landowners (1991:49). This is because custom does not allow permanent alienation of land, as doing so would imply alienating people's identity. According to Rowley, no right of a person to dispose of land was recognized, for the ancestral spirits must have their place and the unborn generations must be provided for (1965:115). Traditionally, land belonged to the whole clan, and individual rights were those of user only,

It is perhaps because of these deep-rooted sentiments that landowners are increasingly drawing whatever economic benefits and political strengths they can from the ability to bargain with developers or even disrupt development initiatives, even causing, for example, the closing of airports.<sup>21</sup> The closure of the Bougainville Copper mine can partly be seen in the same light (see Zorn 1995:11). Huge compensation claims are often directed toward forestry and mining operations, electricity, water, and Posts and Telecommunication radio repeater stations.<sup>22</sup> Collectively, traditional landowners have repeatedly pressed, without success, for compensation for the lands currently occupied by towns and cities across the country (see Maribu 1994;

Oram 1974:171). Presently, the economic returns to the government from urban lands are small compared to those accruing from forestry and mining exploitation. For this reason, land requirements for urban development have not, as yet, received significant government attention.<sup>23</sup>

Recently, further pressure is coming from other countries whose resources have begun to dwindle. For example, export demand for PNG timber has grown rapidly as supplies from Southeast Asian timber-exporting countries have substantially diminished and hostile antilogging campaigns limit supplies at home in places such as Australia. The forestry and mining sectors are seen as having the potential to make a significant contribution to the overall development of Papua New Guinea. These sectors are expected to generate continued export revenue, provide new employment opportunities,<sup>24</sup> and provide for greater rural infrastructure development. The fact that these sectors are replete with corruption suggests the kind of money associated with the exploitation of timber and mining resources. The forestry industry alone contributes nearly K70 million annually to Papua New Guinea in export earnings and an extra K 200 million in levies and taxes.

Since the benefits that accrue to the government from exploitation are far greater than those to the traditional landowners, many of them are now seriously considering direct participation in these operations. Many people cannot understand why resources on and under their lands should belong to the government (Crocombe 1987a:392; Connell 1991:56). They also cannot understand why the government should impose conditions for the exploitation of their own resources. The fact that legislation vests ownership of all minerals to the government has been rejected by traditional landowners in Bougainville and elsewhere in Papua New Guinea (O'Faircheallaigh 1984).<sup>25</sup> Claims for compensation have also been made for environmental damage resulting from these economic development activities. According to traditional principles and practices, not only the landowners but also others who hold potential interests in the land are victims of economic development. A substantial compensation is often claimed for mining, as the damages it incurs permanently deprive the local people of their livelihood.<sup>26</sup> It is questionable whether any compensation can ever substitute for the damage inflicted on both the environment and the social life of the people in respective project areas.

Landowning clans are encouraged to form incorporated groups under the Land Group Incorporation Act, chapter 147. A group so incorporated has the power to use and manage its land or even to enter into land agreements with other groups. This act is an attempt to discourage the individualization of traditional lands by the powerful few. It was stressed in the Report of the Commission of Inquiry into Land Matters that actions contrary to this

TABLE 1. **Alienated and Traditional Lands by Province:  
Papua New Guinea**

Province	Land Area		Alienated Land		Customary Land	
	Ha	% of Total	Ha	%	Ha	%
Total	47,614,900	100	1,322,873	2.78	46,292,027	97.22
Bougainville (N. Sol.)	956,000	2.01	40,972	4.29	915,028	95.71
Central	3,020,000	6.34	408,533	13.53	2,611,467	86.47
Chimbu	656,000	1.38	2,061	0.31	653,939	99.69
East New Britain	1,498,000	3.15	125,735	8.39	1,372,265	91.61
East Sepik	4,426,000	9.30	38,841	0.88	4,387,159	99.12
Eastern Highlands	1,114,000	2.34	16,602	1.49	1,097,398	98.51
Gulf	3,508,000	7.37	25,100	0.72	3,482,900	99.28
Madang	2,894,000	6.08	48,315	1.67	2,845,685	98.33
Manus	212,000	0.45	11,842	5.58	200,158	94.42
Milne Bay	1,449,900	3.05	94,365	6.51	1,355,535	94.49
Morobe	3,490,000	7.33	106,916	3.06	3,383,084	96.94
New Ireland	980,000	2.06	54,102	5.52	925,898	94.58
Northern (Oro)	2,220,000	4.66	112,303	5.09	2,107,697	94.91
Southern Highlands	2,190,000	4.60	7,661	0.35	2,182,339	99.65
West New Britain	2,045,000	4.29	136,477	6.67	1,908,523	93.33
West Sepik	3,730,000	7.83	8,993	0.24	3,721,007	99.76
Western	10,800,000	22.68	19,735	0.18	10,780,265	99.82
Western Highlands	2,426,000	5.10	64,320	2.65	2,361,680	97.35

Source: Adapted from Aland 1977, cited in Freyne and Wayi 1988:table 1, p. B75.

Note: Western Highlands includes what is today Enga Province.

act would make many people landless (Ward 1981). At the same time, small block holders are benefiting from other land arrangements such as those under the Private Dealing Act, chapter 217. Although this act specifically deals with timber rights, customary landowners may sell or otherwise dispose of the timber to any person. This latter act, therefore, paves the way for customary land groups to deal directly in land and land-related resources.<sup>27</sup>

Experience elsewhere shows that when dealings in land reach this stage, pressures will compel further transformations in the traditional land-tenure system (Tompson 1976:225). In Java for example, the introduction of a cash economy also saw a steady erosion in the control of customary land (SKEPHI and Kiddell-Monroe 1993:235). Work by Grossman in the Eastern Highlands clearly shows how commodity production can undermine subsistence production on which people have relied for many years (1984). Data on informal land dealings in Papua New Guinea are still very scarce, but a fair estimation is that these activities have proliferated substantially, especially where little customary land has been alienated by the government. Table 1

TABLE 2. **Agricultural and Pastoral Land Leases by Province: Papua New Guinea, 1984**

Province	Agricultural Leases		Pastoral Leases		Total Leases	
	No.	Area (ha)	No.	Area (ha)	No.	Area (ha)
Total	7,752	259,194.8	41	113,521.3	7,793	372,716.1
Bougainville (N. Sol.)	93	5,699.1	0	0.0	93	5,699.1
Central	880	54,828.0	8	7,108.7	888	61,936.7
Chimbu	11	555.1	0	0.0	11	555.1
East New Britain	604	19,186.4	0	0.0	604	19,186.4
East Sepik	175	6,295.8	1	696.0	176	6,991.8
Eastern Highlands	160	17,422.1	0	0.0	160	17,422.1
Enga	21	558.4	0	0.0	21	558.4
Gulf	84	4,503.7	1	0.4	85	4,504.1
Madang	152	12,672.4	6	3,151.6	158	15,824.0
Manus	179	2,642.8	0	0.0	179	2,642.8
Milne Bay	205	17,493.4	5	196.1	210	17,689.5
Morobe	326	20,180.6	14	94,111.2	340	114,291.8
Natl. Capital District	19	491.4	2	59.6	21	551.0
New Ireland	237	17,715.5	0	0.0	237	17,715.5
Northern (Oro)	966	21,714.7	0	0.0	966	21,714.7
Southern Highlands	36	4,724.4	0	0.0	36	4,724.4
West New Britain	2,862	33,480.9	1	7.6	2,863	33,488.5
West Sepik	82	890.5	0	0.0	82	890.5
Western	8	799.0	0	0.0	8	799.0
Western Highlands	652	17,340.6	3	8,190.1	655	25,530.7

Source: Adapted from Freyne and Wayi 1988:table 2, p. B76.

gives the proportion of both alienated and customary land by province. Table 2 shows the distribution of agricultural and pastoral lands by province in 1984. Of the total alienated land leased by the government to the private sector, nearly 90 percent was leased for agricultural purposes. The accuracy of these figures is questionable but will suffice to indicate the amount of land belonging to traditional owners and the provinces in which informal dealings in land are likely to be highest. Provinces with the highest percentage of alienated land, such as East and West New Britain, experienced the introduction of cash crops such as copra and oil palm plantations. In provinces such as Western, Southern Highlands, and Chimbu, with little alienated land, cash crops such as coffee and tea were introduced at a later stage. It is in these provinces that pressure for land is most likely to be acute as people strive toward a cash economy. When figures in Tables 1 and 2 for Eastern Highlands Province are compared, it becomes clear that more land is devoted to agricultural activities than is alienated. In forestry operations 3.7 million

hectares (or 7.87 percent of the land mass) of forest land had been negotiated with landowners since 1950. Of this, nearly 60 percent had been allocated to companies or land groups for exploitation (Komtagarea 1988:B11).

The evidence presented here strongly suggests that customary tenure is dynamic and constantly evolving. Indications suggest that this will finally lead to a greater concentration of land rights in individuals with a corresponding loss of group control. As people have begun to assume or seek individual land control, they will deprive clan members of spiritual and socioeconomic benefits arising from what were once communal lands. Other countries whose land was once owned collectively have passed through the same phases of alienation of customary lands. The Kikuyu of Kenya are one example. Slowly, individuals began to appropriate more and more land for individual use (Tompson 1976:226). The desire for permanent and individual land as a commodity is likely to increase economic competition between individuals and groups of individuals (Grossman 1984:33). The popular image of many people in the villages in Papua New Guinea involves competitive ceremonial social exchange and feasts of Western goods. Where desire for such things is high, collective ownership of land will be seen to impede their acquisition. Although national and provincial governments have virtually no power of land allocation over 97 percent of nearly 476,000 square kilometers of the land mass, landownership in Papua New Guinea is gradually but steadily undergoing significant changes. The promise of land as an economic resource is slowly destroying the traditional concept of clans as custodians of ancestral land. Although these changes are slow, they are significant enough to make headway for major land reforms.

### **Conclusion**

As long as landowners accept the inevitability of economic development, Papua New Guineans will not escape the commoditization of customary land. In arriving at this conclusion, I have traced systematically the changing importance attached to land. The following arguments have emerged from the article:

- Indeed, collective landownership under clan groupings has played a significant role in supporting the subsistence of both clan members and non-clan members. Although members of a clan could use any piece of clan land or pass use rights on to others, traditional principles and practices did not allow outright disposal of it. Conflicts often arose between and among clan members and non-clan members, especially over irresponsible use of land.



- There are reasons to believe that traditional systems of social organization had their origins in the precontact realities in which people lived. These included hostility and enmity between tribes. The European contact and eventually pacification gradually eased intertribal warfare. Traditional feasts and social exchange systems were gradually eroded.
- Cash payments should be seen as a contemporary means of maintaining and enhancing the traditional feasts and social exchange systems for usufruct land rights.
- Status is no longer sought in feasts and social exchange, but rather in the accumulation of 'Western' material goods through the acquisition of monetary wealth.
- The fact that certain subsistence crops can be converted to money at the market has altered the traditional concept of giving garden produce as gifts during feasts and social exchanges. By the same token, the proportion of the land given out on a loan basis in anticipation of feasts or social exchanges has undoubtedly diminished significantly.
- Pressure on the land and the introduction of a cash economy are transforming land into a commodity. A host of colonial enforcements such as the imposition of taxes meant that male members of households had to seek cash employment away from the traditional subsistence sector. The basic tenet behind this argument is that if force were brought to bear on the people, they would in turn seek material wealth. To obtain material wealth, people would be forced to transform their land into a commodity to meet these new desires.

The argument that customary land provides the necessary support and security for the bulk of the population may not remain tenable for long. As the population increases rapidly, the amount of customary land will become insufficient for everyone's needs and some clan members will become landless. Those who become landless may have to turn to other forms of employment opportunities, particularly in the market economy. In other words, land claims are likely to be high where subsistence farming is the major source of livelihood and natural land resources remain abundant. Forestry and mineral resources are unfortunately finite, and at the current rate of exploitation they will all be depleted perhaps in the next fifteen to twenty years. As the subsistence livelihood is gradually replaced by a modern market economy, traditional land claims will be unheard of. At this point collective ownership of customary land will fragment. Also at this time the demand for individual land tenure will become a high priority and survey and registration of the land will become possible. Indeed, the survey and

subsequent registration of the land would effectively remove the land from collective or clan ownership. It is doubtful if the Group Incorporation Act will be effective in safeguarding against the onset of fragmentation. For many years successive governments have recognized the limitations of customary land tenure in fostering economic development. Despite a wealth of reports in this area, governments lacked clear-cut policies. At this point governments should facilitate the individualization of land dealings.

### NOTES

The author is grateful to two anonymous reviewers for their extensive and invaluable constructive comments. Any shortcomings, however, remain the sole responsibility of the author.

1. The phrase "customary land tenure" is widely used, but without a universally accepted definition. For the purposes of this essay, "custom" implies an "unwritten" law that is recognized as legitimate by the community whose rules regarding land acquisition and transfer of rights are usually explicitly and generally known (Tompson 1976:223).

2. Narokobi identifies ten ways in which ownership of land was traditionally acquired: settlement, hunting, fishing, gardening, gathering, conquest, purchase, succession, adoption, or gratuitous grant (1988:23). But ownership is either personal, collective, or group based.

3. Recently, Wau-Bulolo landowners have requested two gold-mining companies to pack and leave their land. They claimed that the companies had failed to provide basic facilities such as roads, hospitals, and training colleges for the local population. They also alleged that the companies had no respect for the landowners (Tau 1994).

4. During a recent field trip to Mount Hagen, I was told that land sales to strangers were rapidly increasing. According to land officials there, these transactions are witnessed by *kiaps* to make them formal (Ken Won, Lands District Officer, pers. com., November 1994; see also Ward 1981).

5. According to Brandewie, each head of the individual family did the apportioning of gardens to members of the household (1981:153). But where clan leaders did the distribution of land, they did so after consulting with their lineage mates. A well-educated and prominent Lae politician managed to convince his fellow clansmen and women to sign a letter authorizing him to survey and register a piece of clan land under his name. He now uses the land for poultry farming.

6. In Kamukumung settlement, Lae, one such trustee has used his position to win a local by-election in the Ahi constituency. Also, after the death of his highlands wife, block holders (land users) contributed money to pay for his new wife's dowry (Alois Yambui, pers. com., November 1994).

7. I am grateful to Professor Ron Crocombe for this invaluable comment.

8. Papua and New Guinea were initially two different territories under two different administrations. Policies regarding land adopted in the two territories also differed. They ranged from policies that supported traditional landownership in the Papuan region to policies that indiscriminately supported the purchase and alienation of vacant or “ownerless” lands.

9. Papua New Guinea has perhaps the largest number of both consultant and research reports on customary land of any country in a similar situation.

10. Further pressure on the land has been exerted through the establishment of legal institutions to mediate and settle land disputes. A number of attempts in this direction include the 1952 Native Lands Commission, the 1962 Land Registration (for communally owned land), the 1963 Land Ordinance (tenure conversion), the 1973 Commission of Inquiry into Land Matters (CILM), and finally the 1975 Land Disputes Settlement Act. Consequently, repeated referral to state courts to settle customary land disputes is significantly contributing to the redefinition of the customary landownership system (see Zorn 1991, 1992; Sacks 1974; Ward 1981:250-252). Recent attempts by the government to introduce customary land-registration reforms have been met by angry demonstrations across the country, with students boycotting classes and burning government vehicles (see, for example, *Saturday Independent*, 22 July 1995, 21-24).

11. House of Assembly Debates 1970, 2:2407, quoted in Sacks 1974:1.

12. *Post-Courier*, 25 July 1989.

13. As discussed further below, these operations are not without their own adverse social and environmental consequences.

14. See also SKEPHI and Kiddell-Monroe 1993 for a similar case in Indonesia.

15. For a detailed description regarding the introduction of compulsory cash cropping and the efforts of several administrations to bring economic development in the Papuan region, and in particular among the Orokaiva, see Newton 1985:35-53.

16. For competing interests groups, see, for example, the *Post-Courier*, 6 April 1994, 25. Traditional landowners from Motukea island and Kopi, Gulf Province, are vigorously competing for the establishment of an oil refinery on their respective lands. They hope that this will create employment opportunities and bring in royalty payments.

17. The term “sale” is used here to refer to temporary transfer, or mere usufruct, of land to a non-owning clan member. One buys the right to use the land, not the land itself. Even those who are now claiming outright purchase of the land from traditional owners are likely to face similar problems of revisionary claims from future generations of these landowners. In lending support, Oram considers that much of the land in Papua New Guinea is still under “sub judice” [*sic*] as a result of claims by descendants of the original owners (1974:171). The term “sale” therefore connotes land leasing (see also Ward 1991:182; Ward 1981).

18. The Land Act, however, allows dealings between Papua New Guineans provided the dealings comply with custom. The reason that land could not be sold to nonnationals was

to protect the interest of the traditional landowners. The purchase of land by nonnationals is possible if such purchase would not bring hardship to traditional landowners in the future.

19. I am fairly familiar with at least two cases taking place in urban settlements. In Lae, two land custodians have taken it upon themselves to apportion clan land to non-clan members for housing, among other things, upon payment of a prescribed monthly fee including a fixed deposit (see also Oram 1974:172 for similar cases in Goroka before independence). While talking with two villagers in Mount Hagen, I was asked if I wanted to buy land. When I told them that I was just interested in getting some information from them, they immediately lost interest in any further discussion.

20. See *Post-Courier*, 21 March 1994, 4.

21. See, for example, the *Post-Courier* of 20 April 1994, 14.

22. Recently, the *Post-Courier* reported a case where two groups of landowners were fighting for the land on which a PTC repeater station was located (12 May 1994). Also, landowners along the Yonki dam received a soft grant of nearly K1.3 million. This grant must be seen as an attempt to appease the landowners for the loss of and the destruction caused on their land after the construction there of the Yonki hydroelectric dam (see *Post-Courier*, 6 May 1994).

23. Increasingly, however, the government is shifting its attention from forestry and mining operations to downstream-processing industrial developments in an attempt to increase employment opportunities, which will also significantly increase the value of urban land. This will further put pressure on traditional lands around urban areas to house increased numbers of the work force (see also Oram 1974).

24. For instance, according to the *Post-Courier* (8 April 1994, 14), the forestry industry alone employs nearly eight thousand rural people.

25. According to Tompson, there is no such a thing as absolute ownership of the land, since many governments regulate development and control in the interests of the general public (1976). Such controls are said to be normal and are intended to prevent the destruction or abuse of the land by those who claim exclusive ownership.

26. In a K1.4-billion lawsuit currently at the courts of law, a group of landowners along the Fly River are demanding compensation from Porgera's mining giant BHP for the destruction of their environment.

27. I know of a Kamukumung traditional landowner who has leased a portion of the land allocated to him by his clan members to Mobil Company. Once the land was given to him, he surveyed it and registered it in his name before leasing it for about K3,000 a month.

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